



Journal of the Senate

State of Indiana

114th General Assembly

First Regular Session

Forty-fifth Meeting Day

Tuesday Afternoon

April 12, 2005

The Senate convened at 1:34 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Minister Gary Fiscus, Spencer Church of Christ, Spencer, the guest of Senator Richard D. Bray.

The Pledge of Allegiance to the Flag was led by Senator Bray.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Antich-Carr	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Clark	Mishler
Craycraft	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Server
Harrison	Simpson
Heinold	Sipes
Hershman	Skinner
Howard	Smith
Hume	Steele
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 414: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bills 8, 13, 125, 127 140, 295, 296, 307, 340, 376, 379, 382, 416, 419, 420, 422, 452, 474, 493, 496, 498, 508, 529, 523, 533, 538, and 549 with amendments and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bill 480 with amendments and the same is herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bill 2 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 59 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 11th day of April, 2005, signed Senate Enrolled Act: 56.

REBECCA S. SKILLMAN
Lieutenant Governor

MOTIONS TO CONCUR IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 557.

M. YOUNG

Roll Call 415: yeas 48, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 306.

RIEGSECKER

Roll Call 416: yeas 48, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the

House amendments to Engrossed Senate Bill 472.

LANANE

Senator Lanane withdrew the call.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 483.

HEINOLD

Roll Call 417: yeas 33, nays 17. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 518.

WEATHERWAX

Roll Call 418: yeas 50, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 619.

GARD

Roll Call 419: yeas 50, nays 0. Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 42

House Concurrent Resolution 42, sponsored by Senator Drozda:

A CONCURRENT RESOLUTION honoring the 100th anniversary of the General James Cox Chapter of the National Society of Daughters of the American Revolution.

Whereas, The General James Cox Chapter of the National Society of Daughters of the American Revolution was founded on April 15, 1905, by Mrs. Nannie L. Ross;

Whereas, The chapter was the 20th chapter to be issued a charter in Indiana and received charter number 682;

Whereas, In 1924, the chapter arranged for the installation of a flagpole and marker in Foster Park in Kokomo, which was dedicated to "patriots of 1776, both civil and military, who gave us our country, our flag, and our Constitution", as well as to the veterans of the War of 1812, the Mexican War, the Civil War, the Spanish-American War, and World War I;

Whereas, In 1993, the flagpole was rededicated to include the veterans of World War II, the Korean War, the Vietnam War, and all the brave men and women who have fought in defense of our country; the rededication also included raising a new 10' by 15' flag to replace the previous 3' by 5' flag;

Whereas, In 1996, the chapter sponsored the Chief Peshewa Society of the Children of the American Revolution;

Whereas, The chapter regularly sponsors and participates in

Memorial Day services and provides gifts to the United States military, scholarships, "Good Citizen" awards to selected students at Howard County schools, and savings bonds to winners of the American History and Christopher Columbus essay contests; in addition, the chapter annually presents a local teacher with the American History Teacher Award; and

Whereas, April 15, 2005, marks the 100th anniversary of the founding of the General James Cox Chapter of the National Society of Daughters of the American Revolution: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly honors the 100th anniversary of the General James Cox Chapter of the National Society of Daughters of the American Revolution.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Jacqueline Hunt, regent of the chapter.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Concurrent Resolution 57

Senate Concurrent Resolution 57, introduced by Senators Long, Wyss, and Kruse:

A CONCURRENT RESOLUTION congratulating Lincoln Financial Group on its 100th anniversary celebration.

Whereas, In 1905, a group of Fort Wayne business leaders, including bankers, attorneys, wholesalers, hoteliers, manufacturers, physicians, and brokers, came together to create a life insurance company built upon the principles of dependability and honesty;

Whereas, These business leaders were given permission by Robert Todd Lincoln, the grandson of the nation's greatest leader, Abraham Lincoln, to use the Lincoln namesake and formed The Lincoln National Life Insurance Company with the motto, "Its name indicates its character";

Whereas, Today, Lincoln Financial Group, which is the marketing name of Lincoln National Corporation and its affiliated companies, including the Lincoln National Life Insurance Company, is a national financial services leader. Through its wealth accumulation and protection businesses, the Lincoln Financial Group provides annuities, life insurance, 401(k) and other employer-sponsored retirement plans, 529 college savings plans, mutual funds, managed accounts, institutional investment management, and financial planning and advisory services with nearly \$116 billion in consolidated assets and annual consolidated revenues of \$5.4 billion in 2004;

Whereas, Lincoln Financial Group, with currently over 1,500

employees in its Fort Wayne operations, continues to be a vital part of the Indiana business community and economy;

Whereas, The company sets aside 2% of its pre-tax earnings to The Lincoln Financial Group Foundation, established in Fort Wayne in 1962, to support charitable contributions in the communities where the company maintains strong business presence;

Whereas, Over the past 30 years the Lincoln Financial Group Foundation has given over \$70 million in charitable contributions in Indiana; and

Whereas, In just the past five years, the Lincoln Financial Group family of companies has continued its longstanding commitment to enhancing the quality of life for the citizens of Allen County and the surrounding community with contributions totaling over \$19 million. This includes the recent bestowal of \$1 million through major gifts to Headwaters Park and Junior Achievement in honor of the company's 100th Anniversary Celebration: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates Lincoln Financial Group on the 100th anniversary of The Lincoln National Life Insurance Company, an Indiana domiciled company. Lincoln Financial Group has grown to be a recognized leader in providing quality wealth accumulation and financial protection planning, products, and services to individuals, families, and businesses throughout the United States.

SECTION 2. That the Indiana General Assembly commends Lincoln Financial Group for recognizing since the founding in 1905 of The Lincoln National Life Insurance Company that good corporate citizenship is intrinsic to its success. The company's spirit of philanthropy led to the establishment of the Lincoln Financial Group Foundation in 1962 and inspired a rich tradition of giving over the past 40 years.

SECTION 3. That the Indiana General Assembly commends the employees of Lincoln Financial Group for their professionalism and recognized service to the communities in which they live, including a long and rich tradition of service on community boards and groups.

SECTION 4. That the Indiana General Assembly wishes Lincoln Financial Group continued success and growth.

SECTION 5. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to the Lincoln National Corporation Board of Directors; Jon A. Boscia, President and CEO of Lincoln National Corporation; Sandra Kemmish, Program Officer, Lincoln Financial Group Foundation; and Jim Atterholt, Commissioner, Indiana Department of Insurance.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Borror and Moses.

House Concurrent Resolution 43

House Concurrent Resolution 43, sponsored by Senator Paul:

A CONCURRENT RESOLUTION to honor and congratulate Stephanie Arnold for participating in the Archery Competition in the 2004 Summer Olympic Games in Athens Greece.

Whereas, Stephanie Arnold started shooting archery at a very young age as a result of her parents owning an archery shop in Yorktown, Indiana;

Whereas, Stephanie Arnold is a life-long resident of the State of Indiana;

Whereas, Stephanie Arnold graduated from Hamilton Southeastern High School in Fishers, Indiana;

Whereas, Stephanie Arnold graduated with a Bachelor's degree in Communication Studies from Taylor University in Upland, Indiana;

Whereas, Stephanie has the strong support of her family including her husband, Dave Arnold and her stepson, Remington;

Whereas, Under the coaching of her father and Muncie Firefighter, Rick White, Stephanie started shooting again four and a half years ago;

Whereas, Stephanie Arnold was able to qualify for second place, on a three-person team, earning her a spot on the United States Olympic Women's Archery Team;

Whereas, Stephanie Arnold was the 2004 recipient of the Sagamore of the Wabash Tournament;

Whereas, Stephanie's success in various tournaments led to her being sponsored by the Indiana Sports Corporation which is dedicated to promoting amateur athletics;

Whereas, Stephanie Arnold is continuing to participate in the sport of archery as a member of the 2005 United States Archery Team; and

Whereas, Stephanie Arnold's dedication and hard work earned her the opportunity to participate in the Archery Competition in the 2004 Summer Olympic Games in Athens Greece and to represent the United States of America along with the world's most elite and gifted athletes: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana House of Representatives do honor and congratulate Stephanie Arnold for participating in the Archery Competition in the 2004 Summer Olympic Games in Athens Greece.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this Resolution to Stephanie Arnold.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MOTIONS TO CONCUR IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 15.

LAWSON

Roll Call 420: yeas 33, nays 17. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 77.

M. YOUNG

Roll Call 421: yeas 50, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 244.

LONG

Roll Call 422: yeas 35, nays 15. Motion prevailed.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 452 and that a conference committee be appointed to confer with a like committee of the House.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 496 and that a conference committee be appointed to confer with a like committee of the House.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lubbers be added as coauthor of Engrossed Senate Bill 127.

RIEGSECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Clark be added as coauthor of Engrossed Senate Bill 127.

RIEGSECKER

Motion prevailed.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 307 and that a conference committee be appointed to confer with a like committee of the House.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 181 and that a conference committee be appointed to confer with a like committee of the House.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be removed as coauthor of Engrossed Senate Bill 127.

ZAKAS

Motion prevailed.

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on April 12, 2005, signed the following Senate Enrolled Acts: 32, 47, 117, 164, 165, 197, 293, 525, 603, and 620.

ROBERT D. GARTON
President Pro Tempore

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Wednesday, April 13, 2005.

GARTON

Motion prevailed.

The Senate adjourned at 2:50 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate